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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,936	02/17/2004	Gregory K. Scharenbroch	DP-310690	9361

7590 06/07/2005

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EXAMINER

CHEN, WEN YING PATTY

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/779,936	Applicant(s) SCHAREN BROCH ET AL.	
	Examiner Wen-Ying P. Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7-8, 18, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. (US 5877829).

With respect to claim 1: Okamoto et al. disclose in Figures 4A and 4B a display system having an electronically controllable viewing window comprising: a display (element 10) for generating an image; a backlight (element 11) disposed behind the display; a light control medium (elements 12 and 13) for controlling directivity of the light illuminated on the display such that the generated image is viewable in one of a first viewing window and a second viewing window (Column 10, lines 16-17; wherein the optical element is in a state for directly passing light results in a first viewing window, and when the optical element is in a state of scattering light results in a second viewing window); and a control device (not shown; Abstract) for controlling the light control medium to change the viewing window.

As to claim 4: Okamoto et al. disclose in Figure 4A and 4B that the light control medium comprising a light control film (element 12) and a diffuser medium (element 13).

As to claim 7: Okamoto et al. disclose that the diffuser medium comprises a polymer dispersed liquid crystal display (Column 10, lines 23-27).

As to claim 8: Okamoto et al. disclose in Figures 4A and 4B that the display comprises a liquid crystal display (element 10).

As to claims 18 and 22-23: Okamoto et al. disclose in Column 9, lines 47-58 a method of controlling a viewing window of a display comprising steps of: generating light for illuminating a display; passing the light through a light control medium; illuminating the display with the directional light rays to provide an image in a first viewing window; redirecting the directional light rays; and illuminating the display with the redirected directional light rays to provide an image in a second viewing window. Okamoto et al. further disclose that the light passes through a light control film and a diffuser medium, and that the diffuser medium is of a polymer dispersed liquid crystal display (Column 10, lines 23-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-3, 6, 9-12, 14-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (US 5877829).

With respect to claims 2-3, 9, 19-21: Okamoto et al. disclose all of the limitations set forth in the previous claims, but fail to specifically disclose that the display system is used for a vehicle. However, in another embodiment and example of the same invention disclosed by Okamoto et al., Okamoto et al. teach that the display system is employed in a vehicle, wherein the display system is viewable in a first viewing window by both the driver and the passenger of the vehicle and that when the vehicle is in motion, the display system is controlled such that a second viewing window is presented and only capable to be viewed by the passenger (Column 15, lines 26-67 and Column 16, lines 1-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the display apparatus as taught by Okamoto et al. in a vehicle wherein the viewing windows can be controlled for the viewing of the driver and the passenger

since Okamoto et al. teach that such a configuration prevents the driver from being distracted during driving (Column 15, lines 29-31).

As to claim 6: Okamoto et al. disclose all of the limitations set forth in claim 1, but did not specifically disclose that the light control film comprises a micro-lens film. However, Okamoto et al. teach that the use of micro-lens is acceptable in the discussed invention (Column 14, lines 55-69). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include micro-lens film as the light control film configuration, since Okamoto et al. teach that the use of micro-lens film collimates the light from the light source in the optimum contrast direction for the display (Column 14, lines 56-57).

As to claims 10-12 and 14-17: Claims 10-12 and 14-17 contains the same limitations as set forth in claims 1-4 and 6-9, therefore, are rejected with the same exact reasoning as stated previously.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (US 5877829) in view of Ferguson (US 4591233).

Okamoto et al. disclose all of the limitations set forth in the previous claims except for the use of micro louver film. However, Ferguson discloses in Figure 14 a light control film (element 143), which comprises of micro louver film (element 144). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display system as taught by Okamoto et al. with a light control film comprising micro louvers as taught by Ferguson, since Ferguson teaches that the micro-louvers function as to direct the path of light exerted from the source (Column 24, lines 46-47).

Art Unit: 2871

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Ying P. Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wpc

Wen-Ying P Chen
Examiner
Art Unit 2871

ROBERT H. KIM
SUPERVISOR EXAMINER
TECH 2871